

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gary Thelen,

Civil No. 08-1150 (JNE/JJG)

Plaintiffs,

v.

ORDER

City of Elba, et al.,

Defendants.

This matter is before the undersigned on the report and recommendation of the United States Magistrate Judge. No objections have been filed to that report and recommendation in the time period permitted. Based on the report and recommendation of the Magistrate Judge, and being advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The defendants' motion to dismiss (Doc. No. 65) is **GRANTED**.
2. All remaining claims in this litigation are **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 14th day of April, 2010.

s/ Joan N. Ericksen

JOAN N. ERICKSEN
United States District Judge